

## **REMARKS**

### **1. Claim Rejections – 35 U.S.C. 112**

Claims 1 – 6 were rejected under 35 U.S.C. 112, second paragraph. Claim 1 recited a limitation “the volume level increment” without having sufficient antecedent basis. In addition, Claim 1 included the terms “destination volume” and “destination volume value”, which were deemed to be confusing. Claims 2 – 6 were rejected as being dependent on Claim 1.

#### **Response**

The phrase: “incrementing the volume level of the digital signal” in Claim 1 has been amended to read: “incrementing the volume level of the digital signal by a volume level increment”. Furthermore, the amended Claim 1 only comprises the term “destination volume” and the term “destination volume value” has been deleted. As a destination volume value specifies a destination volume, the two terms can be used interchangeably. Claim 3 has been amended to comply with Claim 1. The applicant believes that the rejection made to Claim 1 has been overcome. In addition, the rejections made to dependent Claims 2 – 6 have been overcome accordingly.

As the above-identified amendment is directed to formal matters without touching merits of the instant application, the applicant believes that this requires only a cursory review by Examiner. Acceptance of the above-identified amendments is respectfully requested.

### **2. Claim Rejections – 35 U.S.C. 102(e)**

Claims 1, 2 and 6 were rejected under 35 U.S.C. 102(e) as being anticipated by Lau.

Response

Claim 1

The Examiner states that parameters taught by Lau are all user adjustable, therefore it is possible for a user to set these parameters so a time period for incrementing volume is always the same. As quoted in the specification of the instant application, however:  
5 “the time length of one sample is different for each kind of source material. For example, because the resolution of a CD is smaller than that of a DVD, a sample on a CD is longer than a sample on a DVD. Consequently, **a volume change that requires that passing of 25 samples would take longer for a CD than a DVD**” (*emphasis added*). Sample size is  
10 dependent on time, therefore, a time period as dictated by sample size depends on a media selected, and a user cannot adjust the sample size to control the time period. Therefore, the applicant asserts that Lau does not teach that **any destination volume** is achieved in the digital signal **in the same amount of time**.

Furthermore, if a user wants a time period for each operation to be the same by  
15 setting all user adjustable parameters, the user will have to calculate and set the values **each** volume increment operation, and therefore the time period taught by Lau is not **predetermined**. Lau does not teach determining a size of a volume increment according to the destination volume, the volume level of the digital signal, and the predetermined time period, as Lau does not teach a predetermined time period. Lau explicitly discloses  
20 that a size of the volume level increment is fixed. Therefore, Lau does not teach **determining** a size of the volume level increment, as it is a fixed value. Claim 1 teaches determining a size of the volume level increment each volume increment operation, therein a size in one operation will be different from a size in another operation.

For these reasons, the applicant asserts that Claim 1 should be found allowable over  
25 the prior art. Reconsideration of Claim 1 and withdrawal of the final rejections made to Claim 1 are respectfully requested.

Claim 2

Claim 2 states that a predetermined sample number corresponds to the predetermined time period. As argued in the response to Claim 1, the time period as taught by Lau cannot be predetermined, as a user must set values each volume  
5 incrementing operation in order to reach a destination volume within a same time period. In addition, Claim 2 is dependent upon Claim 1, and should be allowed as Claim 1 has been placed in condition for allowance.

Claim 6

Claim 6 is dependent on Claim 1 and should be found allowable if Claim 1 is found  
10 allowable.

**3. Claim Rejections – 35 U.S.C. 103(a)**

Claims 3 and 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lau in view of Andersen et al.

Response

15 Claims 3 and 4

Claims 3 and 4 are dependent on Claim 1 and should be found allowable if Claim 1 is found allowable.

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lau in view  
20 of Andersen et al. and further in view of Jubien et al.

Response

Claim 5

Claim 5 is dependent on Claim 1, and should be found allowable if Claim 1 is found allowable.

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**Conclusion:**

Thus, all pending claims are submitted to be in condition for allowance with respect to the cited art for at least the reasons presented above. Withdrawal of the rejections made to the instant application is respectfully requested. The Examiner is encouraged to telephone the undersigned if there are informalities that can be resolved in a phone conversation, or if the Examiner has any ideas or suggestions for further advancing the prosecution of this case.

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Sincerely yours,

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Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 13 hours behind the Taiwan time, i.e. 9 AM in D.C. = 10 PM in Taiwan.)